

**REMARKS**

Claims 1-7 are all the claims pending in the application.

In the present Response, Applicants are taking an approach similar to the approach taken in the Amendment filed November 21, 2005 with respect to U.S. Patent No. 6,103,316.

**I. REJECTION UNDER 35 U.S.C. § 102**

Referring to Section No. 2 at page 2 of the final Office Action, Claims 1-4 and 6 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,571,617 ("Cooprider").

Applicants respectfully traverse.

Focusing on independent Claim 1, it recites, *inter alia*, that a surface portion of the PSA layer within the range of up to 3 nm inward from an outer face of the PSA layer contains (B) an anionic emulsifier containing a sulfur atom in a proportion of from 0.1 to 3 parts by weight based on 100 parts by weight of the whole of the monomer components constituting an acrylic polymer (A).

Cooprider does not disclose (either expressly or inherently) the above element of Claim 1. Furthermore, Cooprider does not contain a teaching or suggestion that would lead one of ordinary skill in the art to modify its disclosure and arrive at the subject matter of Claim 1, in the manner required by 35 U.S.C. § 103.

Cooprider does not *expressly* disclose (at column 6, lines 12-40, Examples 1-30, or elsewhere) an anionic emulsifier (B) containing a sulfur atom in a proportion of from 0.1 to 3 parts by weight in the surface portion of a PSA layer within the range of up to 3 nm inward from the outer face of the PSA layer, as is recited by Claim 1. Cooprider makes no distinction at all

between the composition of the surface portion of its PSA layers and the composition of the PSA layers as a whole.

Cooprider also fails to *inherently* disclose an anionic emulsifier containing a sulfur atom in a proportion of from 0.1 to 3 parts by weight in the surface portion of a PSA layer within the range of up to 3 nm inward from the outer face of the PSA layer.

As evidence, Applicants are submitting the Rule 132 Declaration of co-inventor Yutaka Tosaki. Mr. Tosaki conducted an experiment to show that Cooprider does not inherently disclose the above element of Claim 1.

In particular, for the reasons stated in the Declaration, Mr. Tosaki identified Example 8 of Cooprider as being closest to the pressure-sensitive adhesive tape or sheet of Claim 1. By the methodology described in the Declaration, Mr. Tosaki reproduced Example 8 of Cooprider and discovered that the content of the sulfur-atom containing anionic emulsifier in a surface portion of Cooprider's PSA layer does not fall within the range of 0.1 to 3 parts by weight recited by Claim 1.

Specifically, Mr. Tosaki determined that the actual content of the anionic emulsifier in the surface portion of Cooprider's PSA non-uniformly exists in from 8.7 parts per weight (when using a polyacrylic acid with MW: 250,000) to 11.1 parts by weight (when using a polyacrylic acid with MW: 150,000) at the surface portion.<sup>2</sup>

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<sup>2</sup> Mr. Tosaki indicates that since the same grade of polyacrylic acid (MW: 190,000) employed by Cooprider was difficult to obtain, polymerization was carried out by obtaining two grades of polyacrylic acid, one grade slightly lower and the other slightly higher than that of the cited reference in molecular weight. Mr. Tosaki states that by considering these results, the result obtained when using the grade of 190,000 molecular weight employed by Cooprider can be easily anticipated.

Moreover, because Cooprider does not contain a teaching or suggestion that would lead one of ordinary skill in the art to modify the amount of its component corresponding to the claimed anionic emulsifier (B) contained in the surface portion of the PSA layer within the range of up to 3 nm inward from the face of the PSA layer, Cooprider fails to render obvious the subject matter of Claim 1.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the §102 rejection of Claims 1-4 and 6 based on Cooprider.

## **II. REJECTION UNDER 35 U.S.C. § 103**

Referring to Section No. 3 at page 3 of the final Office Action, Claims 5 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cooprider.

Applicants respectfully traverse.

Claims 5 and 7, which depend from Claim 1, are patentable over Cooprider, *at least* by virtue of their dependency, since Cooprider does not disclose (expressly or inherently) or render obvious the amount of the anionic emulsifier present in the surface portion of the PSA layer recited by Claim 1. Claims 5 and 7 are also patentable for the following additional independent reasons.

With respect to the examiner's taking "Official Notice of the fact that multilayer substrates or backings are extremely well known in the pressure sensitive tape or sheet art," Applicants point out that the Claim 5 recites that the pressure-sensitive adhesive layer has a multilayered structure.

Furthermore, with respect to the examiner's position that Applicants' multilayer PSA tape or sheet would be obvious over the disclosure of Cooprider based on the fact that multilayer substrates or backings are allegedly well known in the art, Applicants point out that Claim 5

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recites a multilayer PSA tape or sheet together with Applicants' other recited elements. Furthermore, Claim 5 recites a multilayer PSA tape or sheet wherein the outermost PSA layer on one side has a specific amount of anionic emulsifier in the surface portion of the PSA layer. Nothing from the combination of the Official Notice and the disclosure of Coopridier suggests a multilayer PSA tape or sheet having the particular structure recited in Claim 5.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the §103 rejection of Claims 5 and 7 based on Coopridier.


### III. CONCLUSION

Allowance of Claims 1-7 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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